

2007 JAN 22 PM 3:04

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A Subcase 24-10750

Case No. 35976

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

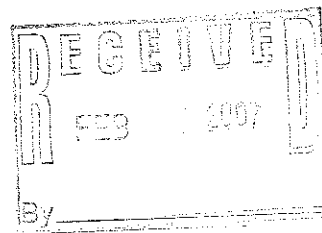
Name: Joel Porter
Address: 130 N. Court Ave.
Memphis, TN 38103
Daytime Phone: 901-524-5000

Name & Address of Attorney, if any:

Kent W. Foster
Holden, Kidwell, Hahn & Crapo, PLLC
PO Box 50130, Idaho Falls, ID 83405

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Joel Porter
Address: 130 N. Court Ave.
Memphis, TN 38103



D I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es))

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Sage Creek, Tributary to Crow Creek
3. ☒ **Quantity**
Should be: 1.6 cfs
4. ☒ **Priority Date**
Should be: May 1, 1902
5. ☒ **Points of Diversion**
Should be: SESW, Sec. 20, T9S., R46E.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation
8. ☒ **Period of Year**
Should be: 04/01 to 10/31
9. ☒ **Place of Use**
Should be: T9S., R46E., Sec. 20, SWSE (8), Sec. 29, NWNE (10)

10. **I object because:**

- ☐ This water right should not exist
- ☒ This water right was not recommended, but should be recommended with the elements described above

E. **REASONS SUPPORTING OBJECTION(S):** Claimant recently acquired this land and hired a ranch manager who has now been able to obtain information from the former owners and irrigators of the property.

VERIFICATION (Must be Completed)

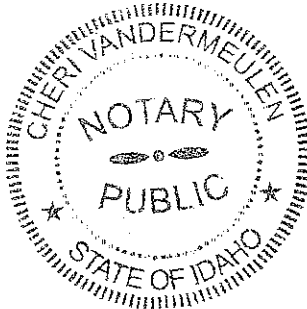
State of Idaho)
)ss
County of Bonneville)

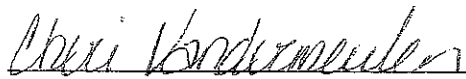
Kent W Foster, duly sworn, upon oath, deposes and says that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Kent W. Foster

Subscribed and sworn to before me this 22nd day of January, 2007.





Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: July 7, 2009

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing

G. CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of January, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1 Original to:

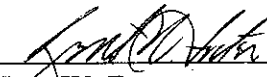
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2 Copies to:

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P O Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Kent W Foster

G:\WPDATA\AKWF\10652 MARTIN STEPHEN\12 Joel Porter\Objection 10750 .wpd

09/08/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-10750
NAME AND ADDRESS: JOEL PORTER
130 N COURT
MEMPHIS IN 38103

SOURCE: SAGE CREEK IRIBUIARY: CROW CREEK

QUANTITY: 0.050 CFS

PRIORITY DATE: 05/01/1932

POINT OF DIVERSION: T09S R46E S20 NESESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.050 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County
T09S R46E S20 SWSE 1.80

1.8 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 24-4019.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-10750
Date Received: 1/30/1990
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JOEL PORTER Phone: (901)524-5117
130 N COURT
MEMPHIS TN USA 38103

2. Date of Priority: 05/01/1932

3. Source: SAGE CREEK Trib. to: CROW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	20	NE SW	CARIBOU	

5. Description of diverting works:

HEADGATE & DITCH TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.6	

7. Total Quantity Appropriated is:
0.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09S	46E	20	NW SE	IRRIGATION	18
			SW SE	IRRIGATION	2
				Section Acres	20

Total Acres 20

11.. Place of use in counties: CARIBOU

12.. Do you own the property listed above as place of use? Yes

13.. Other Water Rights Used:

14.. Remarks:

This right is a split from former right 24-4019 ..

15.. Basis of Claim: Statutory Claim

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-4019
Date Received: 1/30/1990
Receipt No: E011889
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GENEVA LAND & CATTLE LLC Phone: (208)227-1451

329 S WOODRUFF
IDAHO FALLS ID USA 83401

2. Date of Priority: 05/01/1932

3. Source: SAGE CREEK Trib. to: CROW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	20	NE SW	CARIBOU	

5. Description of diverting works:

HEADGATE & DITCH TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.2	

7. Total Quantity Appropriated is:
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	46E	20	NE	SE	IRRIGATION	2
			NW	SE	IRRIGATION	18
			SW	SE	IRRIGATION	2
			SE	SE	IRRIGATION	18
					Section Acres	40
					Total Acres	40

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGE PER REQUEST/JH/5-20-99

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing

Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the

Organization
foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.
_____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-4019
Date Received: 1/30/1990
Receipt No: E011889
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1.. Name of Claimant(s)

G HARVEY KENNINGTON Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

ANNA MAE K ANDERSON Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

DONALD KENNINGTON Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

LYNETTE K BEUS Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

PHILLIP KENNINGTON Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

ANNA BETH KENNINGTON Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

2.. Date of Priority: 05/01/1932

3.. Source: SAGE CREEK Trib. to: CROW CREEK

4.. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
09S	46E	20	NE	SW	CARIBOU	

5. Description of diverting works:

HEADGATE & DITCH TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.2	

7. Total Quantity Appropriated is:
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
09S	46E	20	NE	SE	IRRIGATION	2
			NW	SE	IRRIGATION	18
			SW	SE	IRRIGATION	2
			SE	SE	IRRIGATION	18
Section Acres						40
Total Acres						40

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGE PER REQUEST/JH/5-20-99

15. Basis of Claim: Statutory Claim

AUG 15 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A24-04019
Date Received: 1/30/1990
Receipt No: E011889
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: G. HARVEY KENNINGTON 307-225-3451
Address: P. O. BOX 98
FAIRVIEW, WY 83119

2. Date of Priority: MAY 01, 1932

3. Source: SAGE CREEK Trib. to: CROW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	46E	20	NE	SW			CARIBOU

5. Description of diverting works:
HEADGATE & DITCH TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 48.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	46E	20	NE	SE		IRR	2.0
			NW	SE		IRR	18.0
			SW	SE		IRR	2.0

A24-04019

Page 1

Date: 01/30/90

MICROFILMED
NOV 06 1991



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	46E	20	SE	SE	IRR	18.0
Section Acres						40.0
Total Acres						40.0

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

SCANNED

AUG 31 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A24-04019

Date Received: 1/30/1990

Receipt No: E011889

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: G. HARVEY KENNINGTON 307-225-3451
Address: P. O. BOX 98
FAIRVIEW, WY 83119

2. Date of Priority: MAY 01, 1932

3. Source: SAGE CREEK Trib. to: CROW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	46E	20	NE	SW			CARIBOU

5. Description of diverting works:
HEADGATE & DITCH TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 48.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	46E	20	NE	SE		IRR	2.0
			NW	SE		IRR	18.0
			SW	SE		IRR	2.0

A24-04019

Page 1

Date: 01/30/90

MICROFILMED

NOV 06 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	46E	20	SE	SE	IRR	18.0
Section Acres						40.0
Total Acres						40.0

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

Sage north

80

NO LATE FEE IF RECEIVED

BY 2/17/90

20

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39356

Ident. Number

A24-04019

Date Received

1/29/90

Receipt Number

E011889

RECEIVED

JAN 29 1990

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

JAN 13 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) G. Harvey Kennington Phone (225-3451
Mailing Address Fairview, Wyo. Zip 83119

2. Date of Priority (Only one (1) per claim) May 1, 1932

3. Source of water supply (a) Sage Creek
which is tributary to (b) Crow Creek

4. a. Location of existing point of diversion is: Township 46E Range 9S Section 20,
NE 1/4 of SW 1/4 of 20 1/4, Govt. Lot, _____ B.M., County of Caribou

Additional points of diversion if any: none

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Head gate with open Ditch to Flood irrigate.

RECORDED

NOV 06 1992

6 Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from April to Nov 1 amount 1.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 CFS (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 48 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

IWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	46E	20													2	18	2	18	40 Ac.

Total number of acres irrigated 40

11. In which county (ies) are lands listed above as place of use located? Caribou

12. Do you own the property listed above as place of use? Yes yes No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
None or None ()

14. Remarks:

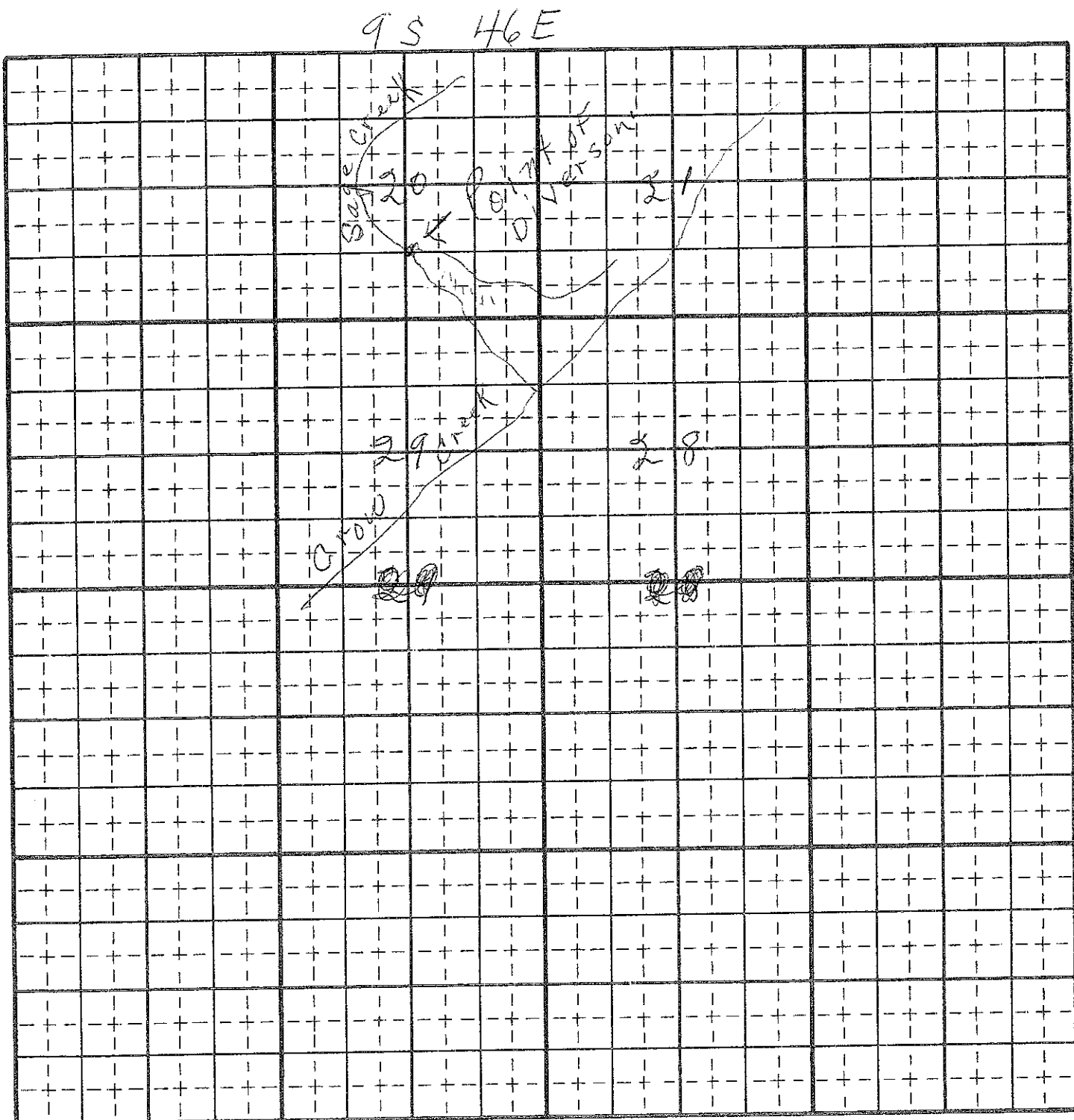
Last Name Kennington Ident No. 519-22-8203

Copies: White - State, Yellow - Claimant

NOV 06 1992

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number

Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b) I/We do ☒ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) G. Harvey Kennington Date Jan. 6 1990

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization _____

document in the space below as _____ of _____
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of ~~Idaho~~ or Wyoming)
County of Lincoln) SS.

Subscribed and sworn (or affirmed) before me this 11th day of January 19 90

SEAL

Notary Public Della Mae Gibbons

Residing at Afton, Wyoming

My Commission Expires May 18, 1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

UNFILED

NOV 06 1992

Last Name Kennington Ident. Number 519-22-8203

Copies White-State, Yellow-Claimant

DATE: 05/20/99
PAGE: 1

Water Source:	SAGE CREEK	Tributary to:	CROW CREEK	Stage:	STATUTORY CLAIM
---------------	------------	---------------	------------	--------	-----------------

CARIBOU County

NE
NM

TOTAL ACRES	40.0
-------------	------

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: NONE

REMARKS: GEN OWNERSHIP CHANGE PER REQUEST/JH/5-20-99

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
--------	-----------------	----------------	-----------------------

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Field inspection Flag:
Presumption Flag: